

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

11 DANIEL W. RANNELS,
12 Plaintiff,
13 v.
14 SMITH, et al.,
15 Defendants.

Case No.: 1:21-cv-00049-SKO (PC)

**ORDER TO SHOW CAUSE WHY MOTION
TO PROCEED *IN FORMA PAUPERIS*
SHOULD NOT BE DENIED**

21-DAY DEADLINE

17 Plaintiff Daniel W. Rannels moves the Court to proceed *in forma pauperis* in this action.
18 (Doc. 2.) According to the certified account statement submitted by the California Department of
19 Corrections and Rehabilitation, Plaintiff has received, on average, monthly deposits of
20 approximately \$400 to his inmate trust account over the past six months, and he currently has
21 \$1,337.32 in his account. (Doc. 6) This is more than enough to pay the \$402 filing fee in this
22 action. Therefore, Plaintiff must show why he is entitled to proceed *in forma pauperis*.

23 Proceeding “*in forma pauperis* is a privilege not a right.” *Smart v. Heinze*, 347 F.2d 114,
24 116 (9th Cir. 1965). While a party need not be completely destitute to proceed *in forma pauperis*,
25 *Adkins v. E.I. DuPont de Nemours & Co.*, 335 U.S. 331, 339-40 (1948), “the same even-handed
26 care must be employed to assure that federal funds are not squandered to underwrite, at public
27 expense, either frivolous claims or the remonstrances of a suitor who is financially able, in whole
28 or in material part, to pull his own oar.” *Doe v. Educ. Enrichment Sys.*, No. 15-cv-2628-MMA-

1 MDD, 2015 U.S. Dist. LEXIS 173063, *2 (S.D. Cal. 2015) (quoting *Temple v. Ellerthorpe*, 586
2 F. Supp. 848, 850 (D.R.I. 1984)). Hence, “the court shall dismiss the case at any time if the court
3 determines that the [plaintiff’s] allegation of poverty is untrue.” 28 U.S.C. § 1915(e)(2)(A).

4 Plaintiff appears to have adequate funds to pay the filing fee for this action in full.
5 Accordingly, the Court ORDERS Plaintiff, within 21 days of the date of service of this order, to
6 show cause in writing why his motion to proceed *in forma pauperis* should not be denied. Failure
7 to respond to this order may result in a recommendation that this action be dismissed for failure to
8 obey a court order.

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10 IT IS SO ORDERED.

11 Dated: January 14, 2021

12 /s/ Sheila K. Oberlo
13 UNITED STATES MAGISTRATE JUDGE

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